

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CHARLES A. O'HARA,)	
)	
Petitioner,)	
)	
v.)	No. 4:06CV00232 ERW
)	
ALAN BLAKE,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court upon the application of Charles A. O'Hara for leave to commence this action without payment of the required filing fee. Upon consideration of the financial information provided with the application, the Court finds that petitioner is financially unable to pay the filing fee.

Petitioner, a civilly committed resident of the Missouri Sexual Offender Treatment Center, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner claims that "the Missouri Sexual Offender Act violates [the] United States Constitution . . . and is therefore ultimately punitive in nature." He seeks his "immediate release."

At the outset, the Court notes that there is no indication petitioner has previously presented his claim relative to the unconstitutionality of Missouri's Sexually Violent Predators Act, Missouri Revised Statute §§ 632.480-.513, to a Missouri state court. In the absence of exceptional circumstances, a petitioner must exhaust currently available and adequate state remedies before invoking federal habeas corpus jurisdiction. Braden v. 30th

Judicial Circuit Court of Kentucky, 410 U.S. 484 (1973).

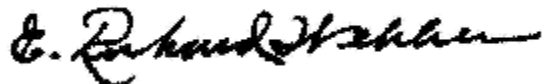
Therefore,

IT IS HEREBY ORDERED that petitioner's motion for leave to proceed in forma pauperis [Doc. #2] is **GRANTED**.

IT IS FURTHER ORDERED that petitioner's petition for a writ of habeas corpus is **DENIED**, without prejudice.

An appropriate order shall accompany this memorandum and order.

So Ordered this 20th Day of April, 2006.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written over a horizontal line.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE